



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 18, 1996

Mr. Robert L. Lemens  
General Counsel  
Texas Association of Counties  
P.O. Box 2131  
Austin, Texas 78768-2131

OR96-2131

Dear Mr. Lemens:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 102924.

The Texas Association of Counties ("TAC") received three requests for information. You assert that the requested information is excepted from required public disclosure based on sections 552.103 and 552.107 of the Government Code.

We begin with the request for the TAC constitution and bylaws. As it appears that this information has been made available to the public, *see* V.T.C.S. art. 1396-3.03, the TAC may not withhold that information from the requestor. *See* Gov't Code § 552.007.

We now consider the applicability of section 552.103 to the remaining requested information. Section 552.103(a) of the Government Code excepts from required public disclosure information

(1) relating to litigation of a civil or criminal nature or settlement negotiations, to which the state or a political subdivision is or may be a party or to which an officer or employee of the state or a political subdivision as a consequence of the person's office or employment, is or may be a party; and

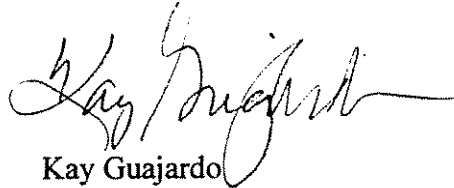
(2) that the attorney general or the attorney of the political subdivision has determined should be withheld from public inspection.

To secure the protection of section 552.103(a), a governmental body must demonstrate that requested information "relates" to a pending or reasonably anticipated judicial or quasi-judicial proceeding. Open Records Decision No. 588 (1991). In this instance, you have

made the requisite showing that the requested information relates to pending litigation for purposes of section 552.103(a). Accordingly, TAC may withhold the requested information from public disclosure based on section 552.103.<sup>1</sup>

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Guajardo  
Assistant Attorney General  
Open Records Division

KHG/rho

Ref.: ID# 102924

Enclosures: Submitted documents

cc: Honorable Melissa Abshier  
County Attorney  
Matagorda County  
1700 Seventh Street  
Bay City, Texas 77414  
(w/o enclosures)

Honorable Loy Sneary  
County Judge  
Matagorda County  
1700 Seventh Street  
Bay City, Texas 77414  
(w/o enclosures)

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<sup>1</sup>We note that if the opposing party in the anticipated litigation has seen or had access to any of the information in these records, there would be no justification for now withholding that information from the requestor pursuant to section 552.103(a). Open Records Decision Nos. 349 (1982), 320 (1982). In addition, the applicability of section 552.103(a) ends once the litigation has been concluded. Attorney General Opinion MW-575 (1982); Open Records Decision No. 350 (1982).